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PTO/SB/21 (08-03)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/643,824	
	Filing Date		
	First Named Inventor	Nelson, Ernest Peter	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	43	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kenneth A. Keeling Keeling Hudson, L.L.C.
Signature	
Date	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
ER 216 164 121 US		
Typed or printed name	Kenneth A. Keeling	
Signature		Date 9-23-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ernest Peter Nelson

Serial No.: 10/643,824

Group No.:

Filed:

Examiner:

For: LEG USCER, LYMPHOEDEMA AND DVT VIBRATORY TREATMENT DEVICE

Commissioner for Patents

Washington DC 20231

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO 1449 (now PTO/SB/08A and 08B)
3. Copies of Listed Information Items Accompanying This Statement
4. Concise Explanation of English Language Listed Information Items
5. Identification of Person(s) Making This Information Disclosure Statement

**Section 1. Preliminary Statements**

Applicant(s) submits herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.


The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information

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CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this Information Disclosure Statement and the documents referred to as attached thereto are being deposited with the United States Postal Service on the date listed below, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number ER 216 164 121 US, addressed to the: Commissioner for Patents, Washington, DC 20231.

9-23-03  
Date

  
Kenneth A. Keeling  
Registration No. 31,842

cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## **Section 2. PTO 1449 (Now Forms PTO/SB/08A and 08B)**

PTO Form 1449 is attached hereto.

## **Section 3. Copies of Listed Information Items Accompanying This Statement**

Legible copies of all items listed in Form PTO-1449 accompany this information statement.

## **Section 4. Concise Explanation of English Language Listed Information Items**

1. "The Use of Cycloidal Vibrations Therapy on Blood and Lymph Circulation and on Wound Healing," presented at the VII International Congress of Lymphology, Firenze, Italy on October 28 to November 2, 1979 by Lievens, Leduc and Dewald  
Suggests that some aspects of wound healing in test mice were improved by a regime of cycloidal vibrations.

2. "The Effect of cycloid Vibration on Leg Blood Flow and Ulcer Pain," presented to the Section of Dermatology of the Royal Society of Medicine in 1978 by Pickup, Alexander, and Gosling  
Discloses that while vibration was recognized to dramatically reduce pain from leg ulcers, only a slight improvement in healing was noticed.

3. "The Effects of Vibration Upon Blood-Viscosity and Red-Cell Mobility: A Study In Vivo and In-Vitro," by Ramcharan, Shoja, Piggott and Taylor, published in Biorheology Vol. 19, pages 341 to 352 in 1982  
Presents studies of three dimensional, or "cycloid" vibration showing that vibration of either human or rabbit blood in vitro has no effect on blood-viscosity at any sheer rate, on red cell mobility, on zeta-potential or on yield stress. Whole-body vibration produced no significant effect on rheology at rates of shear above 2 s<sup>-1</sup>, but low-shear viscosity (<1 s<sup>-1</sup> Shear rate) became more Newtonian after vibration, with a significant reduction in yield stress from 5.71 +/- 0.14 mNm<sup>-2</sup> to 3.54 +/- 0.32 mNm<sup>-2</sup>.

4. "The Effects of Vibration on Skin Blood Flow," by Ryan and Salter, published in Biblothecca Anatomica, No. 16, pages 180 – 184 in 1977 and presented at the 9<sup>th</sup> European Conference of Microcirculation in Antwerp, Belgium in 1976

Presents interpretation on effect of vibration. Concludes that the effect of vibration is primarily to disperse tissue fluid, which is therapeutically useful for conditions where stiffness, pain or swelling are directly related to an excess of fluid in the tissues.

5. "Improvement of Blood Flow in Ischaemic Limbs by the Use of Cycloid Vibration Therapy by Askari and Rozov (No publication date is available)

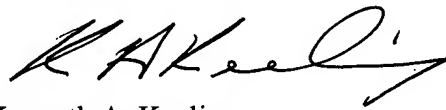
Presents a trial study of applying cycloid vibration to patients with cases of severe occlusive peripheral vascular disease.

## Section 5. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is:

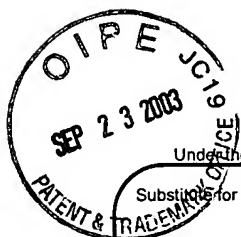
- (a) ☐ the inventor(s) who signs below.
- (b) ☐ an individual associated with the filing and prosecution of this application.
- (c) ☒ the practitioner who signs below on the basis of the information:
  - ☐ supplied by the inventor(s).
  - ☐ supplied by an individual associated with the filing and prosecution of this application (37 CFR 1.56(c))
  - ☒ in the practitioner's file.

Respectfully submitted,



Kenneth A. Keeling  
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September 23, 2003  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Applicati n Number</b>		10/643,824	
		<b>Filing Date</b>			
		<b>First Named Inventor</b>		Ernest Peter Nelson	
		<b>Art Unit</b>			
		<b>Examiner Name</b>			
Sheet	1	of	1	<b>Attorney Docket Number</b>	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		LIEVENS, LEDUC, DEWALD, "The Use of Cycloidal Vibrations Therapy on Blood and Lymph Circulation and	
		on Wound Healing," VII International Congress of Lymphology, 10/28/1979 to 11/2/1979, Firenze, Italy	
		PICKUP, ALEXANDER, GOSLING, "The Effect of cycloid Vibration on Leg Blood Flow and Ulcer Pain,"	
		Section of Dermatology of the Royal Society of Medicine, 1978.	
		RAMCHARAN, SHOJA, PIGGOTT, TAYLOR, "The Effects of Vibration Upon Blood-Viscosity and Red-Cell	
		Mobility: A Study In Vivo and In-Vitro," Biorheology, 1982, Vol 19, Pergamon Press Ltd., USA.	
		RYAN, SALTER, "The Effects of Vibration on Skin and Blood Flow," Bibliotheca Anatomica, 1977, Vol. 16	
		S. Karger, Basel, Switzerland	
		ASKARI, ROZOV, "Improvement of Blood Flow in Ischaemic Limbs by the Use of Cycloid Therapy," Israel,	
		Other publication information not available.	

Examiner Signature		Date Considered	9-23-03
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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